

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE PHARMACEUTICAL INDUSTRY)
AVERAGE WHOLESALE PRICE) MDL NO. 1456
LITIGATION) Civil Action No. 01-12257-PBS
)
)
THIS DOCUMENT RELATES TO:)
)
International Union of Operating)
Engineers, Local No. 68 Welfare)
Fund v. AstraZeneca PLC at al.)
Civil Action No. 04-11503-PBS)
)

DEFENDANT BAYER CORPORATION'S LOCAL RULE 16.1(D)(3) CERTIFICATION

Pursuant to Local Rule 16.1(D)(3), defendant Bayer Corporation and its attorneys hereby certify that they have conferred with a view to establishing a budget for the costs of conducting the full course—and various alternative courses—for the above-captioned litigation and have conferred to consider the resolution of the litigation through the use of alternative dispute resolution programs such as those outlined in Local Rule 16.4.

By its attorneys:

BAYER CORPORATION



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Vice President, Associate General
Counsel and Assistant Secretary

CERTIFICATE OF SERVICE

I hereby certify that on April 12, 2005, I served a true and correct copy of Defendant Bayer Corporation's Local Rule 16.1(D)(3) Certification on all counsel of record via Verilaw in accordance with Case Management Order No. 2.

/s/ Marisa L. Jaffe

Marisa L. Jaffe